

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 612, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On or about June 14, June 21, and August 30, 1909, there were transported from the city of Peoria in the State of Illinois to the city of Philadelphia in the State of Pennsylvania, in three consignments, 18 half barrels and 35 quarter barrels of a drug product labeled: "H. F. L. Hamilton Blackberry Cordial, artificially colored, guaranteed under the Food and Drugs Act, Serial No. 3999-x. Henry H. Shufeldt & Company Rectifiers and Wholesale liquor dealers, Apple Street, Peoria, Ill. Blackberry Cordial." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course libels were filed in the District Court of the United States for said district against the 18 half barrels and 35 quarter barrels of blackberry cordial, respectively, charging the above shipments and alleging the product so shipped to be adulterated, in that it consisted wholly or in part of the fermented solution of starch sugar, artificially colored and flavored, and in that it was an imitation blackberry cordial and did not comply in any particular with the blackberry cordial recognized by the National Formulary, the ingredients of which are "freshly pressed blackberry juice, sugar and dilute alcohol, flavored with cinnamon, cloves, and nutmegs"; and alleging the product to be misbranded, in that it contained between 8 and 10 per cent alcohol which was not declared on the containers, and in that the above mentioned half barrels and quarter barrels did not contain blackberry cordial as recognized by the National Formulary. The libels also prayed seizure and condemnation of the product.

Thereupon said Henry H. Shufeldt & Co., a corporation, entered its appearance and filed a claim to the product, substantially admit-

ting the facts as averred in the above libels, but denying any intention to transgress or evade the laws of the United States and consenting to the prayer of said libels and agreeing to the condemnation of the property.

Thereafter the case came on for hearing, and the court being fully informed in the premises issued its decree finding the product to be misbranded as alleged in said libels and condemning same, with the proviso, however, that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution and delivery by it of a good and sufficient bond in the sum of \$400, conditioned that the product in question should not be sold or otherwise disposed of contrary to the provisions of the above-mentioned act. The costs having been paid and bonds furnished in accordance with the terms of this decree, the said 18 half barrels and 35 quarter barrels of blackberry cordial were forthwith returned to said claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 26, 1910.*

